



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: October 6, 2004

Time: Closed Session 5:00 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- g) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

- A. Call to Order / Roll call
- B. Invocation – Reverend Fred Chacon, Loving Hymn Ministries
- C. Pledge of Allegiance
- D. Presentations
 - D-1 Awards
 - a) Community Improvement Award (CD)

- D-2 Proclamations
 - a) Domestic Violence Awareness Month
 - b) National Arts and Humanities Month (COM)
 - c) Teen Read Week (LIB)

D-3 Presentations – None

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$6,002,563.33 (FIN)
- E-2 Approve minutes (CLK)
 - a) August 18, 2004 (Special Meeting)
 - b) August 18, 2004 (Regular Meeting)
 - c) September 1, 2004 (Regular Meeting)
 - d) September 21, 2004 (Shirtsleeve Session)
- E-3 Approve plans and specifications and authorize advertisement for bids for nine self-supporting steel poles (EUD)
- Res. E-4 Adopt resolution approving plans and specifications for Well 27 Improvements, authorizing advertisement for bids, and authorizing the City Manager to award or reject the contracts up to \$325,000 and to appropriate funds (PW)
- Res. E-5 Adopt resolution approving specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject all bids for the purchase of underground utility vaults and accessories (not to exceed \$14,000) (EUD)
- Res. E-6 Adopt resolution authorizing the non-competitive purchase of mounting pads for transformers, module enclosures, and switchgear boxes from ProGlass, Inc., of Wauna, Washington (\$12,064.98) (EUD)
- Res. E-7 Adopt resolution authorizing the City Manager to award the long distance telephone service contract to SBC-Long Distance, under the terms of the Merced County FOCUS contract, for one year (\$5,400) (ISD)
- Res. E-8 Adopt resolution amending Traffic Resolution 97-148 by approving installation of stop signs on Wellswood Avenue at Mission Street (PW)
- Res. E-9 Adopt resolution approving the established overall annual Disadvantaged Business Enterprise goal of 9% for Federal Highway Administration-assisted projects for federal fiscal year 2004-05 (PW)
- Res. E-10 Adopt resolution authorizing the City Manager to file claim for 2004-05 Transportation Development Act funds in the amount of \$2,229,362 from the Local Transportation Fund and \$6,482 from State Transit Assistance (PW)
- Res. E-11 Adopt resolution authorizing application to San Joaquin Council of Governments for Measure K Cooperative Agreement for Construction and Construction Management of Lower Sacramento Road Project (Harney Lane to Kettleman Lane) and authorize the City Manager to execute the cooperative agreement (PW)
- Res. E-12 Adopt resolutions approving applications for two transportation planning grants from the California Department of Transportation (PW)
- Res. E-13 Adopt resolution authorizing the acceptance and execution of an Environmental Justice Transportation Planning grant from the State of California Department of Transportation (CD)
- Res. E-14 Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant to Quashnick Tool Corporation for a demand-side management project (\$13,225.06) (EUD)
- Res. E-15 Adopt resolution amending the Lodi Appliance Rebate Program by adding Lowe's Companies Inc., as a qualified Lodi retailer (EUD)
- E-16 Accept notice of draft year 2004 amendments to Conflict of Interest Code (CA)
- E-17 Set public hearing for October 20, 2004, to consider Planning Commission's recommendation to certify the Environmental Impact Report and approve the 2003-09 Housing Element (CD)
- E-18 Set public hearing for November 3, 2004, to consider unmet transit needs in Lodi (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings

- Res. G-1 Public hearing to consider resolution confirming the 2004-05 Annual Report and levy of assessment for Downtown Lodi Business Improvement Area 1 (CM)
- Ord. G-2 Public hearing to consider testimony of all interested persons for or against the establishment of (Introduce) the Lodi Tourism Business Improvement District (LTBID) and the levy of proposed new assessments and to introduce an ordinance establishing the LTBID (FIN)

H. Communications

- H-1 Claims filed against the City of Lodi
- a) Estate of Sukhdeep Kaur, date of loss 3/04/04
 - b) Dalwinder Kaur, a minor, date of loss 3/04/04
 - c) Jaswant Kaur, date of loss 3/04/04
 - d) Satwinder Singh, Jaswant Kaur, Dalwinder Kaur: Estate of Sukhdeep Kaur, date of loss 3/04/04
 - e) Sharnjit K. Dhillon, date of loss 3/04/04
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments
- a) Post for vacancy on the Site Plan and Architectural Review Committee (CLK)
- Res. b) Adopt resolution appointing Council Member to serve as a City Member on the Local Agency Formation Commission for a term beginning October 16, 2004 and ending May 2, 2005 (CLK)
- H-4 Miscellaneous – None

I. Regular Calendar – None

- Res. I-1 Adopt resolution supporting Proposition 1A limiting the State's ability to reallocate local revenues in order to achieve State policy goals and requiring the State to reimburse local governments for mandated programs and services on a timely basis (CM)
- I-2 Discuss and set public hearing for October 20, 2004, to consider adopting resolution approving fare increases for GrapeLine Fixed Route and Dial-A-Ride Services (PW)
- Res. I-3 Adopt resolution approving the proposed amendments to the bylaws for the East Side Improvement Committee (CD)
- I-4 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program Litigation (\$199,732.17) (CA)

J. Ordinances

- Ord. J-1 Ordinance No. 1752 entitled, "An Ordinance of the City Council of the City of Lodi Amending (Adopt) Chapter 10.04, 'Words and Phrases Defined,' by Adding Section 10.04.010 C (9) Defining Utility Trailer and Amending Chapter 10.52, 'Regulation of Commercial Vehicle Travel and Parking,' by Repealing and Re-Enacting Section 10.52.060 (C) Relating to Utility Trailers" (CLK)

K. Comments by the City Council Members on non-agenda items

L. Comments by the City Manager on non-agenda items

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk